

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DELBERT GEORGE GRANT,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-07-965-D
)	
DENNIS CALLAHAN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

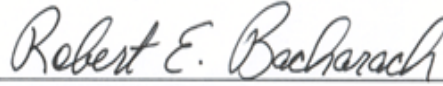
The Plaintiff sued Ken Williams. He is deceased and the Plaintiff states that he should no longer be named as a defendant. *See* Letter from Delbert George Grant to the Court Clerk (filed June 4, 2008). The Court treats the letter as a motion to amend to drop the claims against Mr. Williams. Viewed in this manner, the motion to amend is granted.

Federal Rule of Civil Procedure 41(a) addresses voluntary dismissal of the entire action. When a plaintiff seeks dismissal of claims against only one defendant, Rule 41(a) does not apply and the plaintiff must obtain leave to amend. *See Pruit v. Lebew*, 2006 WL 2730739, Westlaw op. at 1 (W.D. Okla. Sept. 22, 2006) (unpublished op.) (“A plaintiff wishing to eliminate particular claims or issues from an action must amend his complaint under Rule 15(a), Federal Rules of Civil Procedure. . . .”).

The Court should freely allow amendment when justice requires. *See* Fed. R. Civ. P. 15(a)(2). Withdrawal of the causes of action against Mr. Williams would not result in prejudice, and the Court allows amendment to delete the claims against this individual.

The Plaintiff need not file an amended complaint. Mr. Williams is no longer considered a party with the present amendment.

So ordered this 9th day of June, 2008.

A handwritten signature in cursive script, reading "Robert E. Bacharach", written in dark ink.

Robert E. Bacharach
United States Magistrate Judge